

REMARKS

Claims 1-4, 6, 7, 11-16 and 49-53 are pending. No claims are amended by the current paper. Because the Advisory Action of October 8, 2010 did not maintain any of the claim rejections, applicants take it to mean that all claim rejections have been overcome.

Applicants' Statement of Substance of Examiner Interview

The undersigned would like to thank Examiner Steadman for the courtesy extended in a telephone interview conducted on May 6, 2011. In the interview, the undersigned stated that applicants would file an RCE and Request for Reconsideration on May 6, 2011 presenting a new argument, instead of a new reissue declaration and a supplemental reissue declaration as required by the Advisory Action. Examiner Steadman indicated that the RCE and the Request for Reconsideration would keep the reissue application pending, and he would consider our new argument the Request for Reconsideration. No claims and no prior art were discussed.

Rejection of the Reissue Declaration

The Advisory Action refused to allow the reissue application and required a new reissue declaration and a supplemental reissue declaration pursuant to 37 CFR 1.175. Applicants respectfully traverse the requirement of the new reissue declaration and supplemental reissue declaration. Applicants request withdrawal of the requirement in light of applicants' argument presented below.

Applicants contend that the Substitute Reissue Application Declaration filed on September 29, 2009 already has met all the requirements of 37 CFR 1.175 pertaining to reissue oath or declaration. For instance, the Substitute Reissue Application Declaration filed on September 29, 2009 stated that the applicants believed the original patent to be wholly or partly inoperative or invalid and stating at least one error being relied upon as the basis for reissue, meeting the requirement of 37 CFR 1.175(a)(1). The at least one error stated includes the explanation that an embodiment of the invention of dependent patent claim 9 was not covered by patent claim 1, even though

patent claim 9 depend on patent claim 1. Thus, claim 9 was invalid under 35 USC112, 4th paragraph. Applicants maintain that at least this error is sufficient to support a reissue application under 35 USC 251.

In addition, the Substitute Reissue Application Declaration filed on September 29, 2009 also stated that all the errors being corrected in the reissue application arose without any deceptive intention on the part of the applicants, meeting the requirement of 37 CFR 1.175(a)(2).

Applicants request that the reissue application be allowed with the Substitute Reissue Application Declaration filed on September 29, 2009.

In the event that the petition fee for extension of time, the fee for the RCE and any other fees that may be required in relation to the filing of this paper are not received by the Office, the Office is authorized to charge the petition fee, RCE fee and any other required fees to Deposit Account No. 11-0600.

Respectfully submitted,

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